

APPENDIX B

FORMS

Form A
Application for Endorsement of a Plan Believed Not to Require Approval
(ANR)

File one completed form with the Planning Board and one copy with the Town Clerk.

Date: _____

To the Planning Board of the Town of Nantucket:

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (check all that apply)

- ☐ The accompanying plan is not a subdivision because it does not show a division of land (perimeter plan).
- ☐ The division of the tract of land shown on the accompanying plan is not a subdivision because every lot on the plan has frontage of a least such distance as is presently required by the *Nantucket Zoning By-Law* under Section 5 which requires _____ feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
- A. a public way or a way which the City or Town Clerk certifies is maintained and used as a public way, namely _____; **OR**
- B. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, namely _____ on _____(date) and subject to the following conditions _____; **OR**
- C. a way in existence on _____(date); the date when the Subdivision Control Law became effective in the Town of Nantucket, having in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the need of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, _____ namely _____.
- ☐ The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance or other instrument, namely _____, which adds to, takes away from or changes the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the *Nantucket Zoning By-Law* under Section 5, which requires _____ feet.

- ☐ The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings were standing on the land prior to 1955, the date when the Subdivision Control Law went into effect in the Town of Nantucket, and one of such buildings remains standing on each of the lots; said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the Subdivision Control Law is submitted as follows:

- ☐ Other reasons or comments: (see M.G.L., Chapter 41, Section 81-L)

Name of Registered Land Surveyor: _____

Address: _____

The owner's title to the land is derived under deed from _____, date _____

And recorded in Nantucket Registry of Deeds, Book _____ Page _____ or Land Court Certificate of Title # _____, registered in Nantucket District Book _____, Page _____ and show as Assessor's Map # _____, Parcel # _____.

Name and address of Applicant: (to include all names and addresses of the principals of the owner entity such as principal officer of cooperation, trustees of the trust and partners of the partnership.

Name of owner: _____

Owner's address: _____

I hereby certify that the applicant(s) listed above have been authorized by me to file a plan with the Planning Board of Nantucket on property that I own.

Owner's Signature

Planning Board File # _____

Endorsement Date: _____

Form B

**Application for Approval of a Definitive Subdivision Plan
(AR)**

File one completed form with the Planning Board and one copy with the Town Clerk.

Date: _____

To the Planning Board of Nantucket:

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____ designed by _____ dated _____, and described as follows: located on _____, number of lots proposed _____, total acreage of tract _____, hereby submits said plan as a **definitive** plan in accordance with the *Rules and Regulations Governing the Subdivision of Land* of the Nantucket Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived from _____ by deed dated _____ and recorded in the Nantucket Registry of Deeds Book _____, Page _____, registered in the Nantucket Registry District of the Land Court, Certificate of Title # _____ and shown on Nantucket Assessor's Map # _____, Parcel _____, and said land is free of encumbrances except for the following: _____

Said plan ☐ has ☐ has not evolved from a preliminary plan submitted to the Board on _____ (date) and ☐ approved ☐ disapproved on _____ (date).

The undersigned hereby applies for the approval of said **definitive** plan by the Board, in belief that the plan conforms to the Board's *Rules and Regulations*.

Name(s) and address(es) of the Applicant(s):

(to include all the names and addresses of the principals of the owner entity such as principal officers of the corporation, trustees of a trust or partners of a partnership)

Name of owner(s): _____

Address of owner(s): _____

I hereby certify that the applicant(s) listed above have been authorized by me to file a subdivision plan with the Planning Board on property that I own.

Owner's signature

Received by Town Clerk:

Date: _____

Time: _____

Received by Board of Health:

Date: _____

Time: _____

Planning Board File # _____

Form C
Preliminary Plan Application

File one completed form with the Planning Board and one copy with the Town Clerk.

Date: _____

To the Planning Board of Nantucket:

I (We) the undersigned, hereby submit in accordance with Chapter 41, Section 81-S, an application for a preliminary plan subdivision shown on a plan entitled _____, designed by _____ dated _____.

The proposed preliminary plan subdivision is located on _____, the total number of lots proposed is: _____ (buildable: _____), and the total acreage of the tract is _____.

The tract is also identified as Nantucket Assessor's Map # _____, Parcel(s) _____.

☐ Residential subdivision ☐ Non-residential subdivision

Name(s) and address(es) of the Applicant(s): (to include all the names and addresses of the principals of the owner entity such as principal officers of the corporation, trustees of a trust or partners of a partnership)

Name of owner(s): _____

Address of owner(s): _____

I hereby certify that the applicant(s) listed above have been authorized by me to file a preliminary subdivision plan with the Nantucket Planning Board on property that I own.

Owner's signature

Planning Board
File # _____

Received by Town Clerk:

Form G
Performance Secured by a Deposit of Money

Date: _____

AGREEMENT made this date between the Town of Nantucket and _____, hereinafter referred to as "the applicant," whose address is _____ to secure construction of ways and installation of municipal services in the subdivision of land show on a plan entitle _____, designed by _____, dated _____, and revised _____, on land located _____ and showing _____ number of lots and known as Planning Board File # _____.

KNOW ALL MEN by these presents that the applicant hereby binds and obligates himself, his or her executors, administrators, devisees, heirs, successors, and assigns to the Town of Nantucket, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of \$_____ dollars, and has secured this obligation by depositing with the Treasurer of the Town of Nantucket, a deposit of money for the above sum represented by a ☐ certificate of deposit ☐ passbook from _____, Certificate/Passbook No. _____, payable to the order of the Planning Board of the Town of Nantucket. Said sum of money to be used to insure the performance by the applicant of all covenants, conditions, agreements, terms and provisions contained in the following:

1. The definitive plan as approved by the Board on _____ and endorsed on _____ and given Planning Board file number _____.
2. Conditions included in the letter of approval issued by the Planning Board on _____.
3. The *Subdivision Control Law* and the Planning Board's *Rules and Regulations Governing the Subdivision of Land* which were in effect on _____.
4. All the conditions and agreements included in a covenant between the Board and the applicant, approved on _____ and duly recorded by the applicant in the Nantucket Registry of Deeds Book _____, Page _____ or registered in the Nantucket Land Registry District as Document No. _____.

This agreement shall remain in full force and effect until the applicant has fully and satisfactorily performed all obligations or has elected to provide another method of securing performance as provided in M.G.L., Chapter 41, Section 81-U.

Upon completion by the applicant of all obligations as specified herein, on or before _____, or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, the deposit of money including all interest accrued thereon shall be returned to the applicant by said Town and this Agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this Agreement and within the time herein specified, the deposit

of money may be applied in whole, or in part, by the Planning Board for the benefit of the Town of Nantucket to the extent of the reasonable cost to the Town of completing such construction or installation as specified in this Agreement. Any unused money and the interest accrued on the deposit of money will be returned to the applicant upon completion of the work by said Town.

The Town of Nantucket acting by and through its Planning Board hereby agrees to accept the aforesaid deposit of money in the amount specified in the Agreement as security for the performance of the project as aforesaid.

The _____ agrees not to release any funds from the account represented by the aforesaid bank passbook or certificate of deposit or otherwise amend or make a change to the aforesaid bank passbook or certificate of deposit to the order drawn thereon without written agreement by the Planning Board.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hands and seals

this _____ day of _____, _____.

Signatures of a Majority of the
Members of the Planning Board
of the Town of Nantucket.

Notary Public
My Commission Expires:

Signature of the Applicant

Notary Public
My Commission expires:

Signature of Authorized Representative
Of the Lender

Notary Public
My Commission expires:

Form H
Performance Secured by a Letter of Credit

This agreement made on _____ (date) by and between the Planning Board of the Town of Nantucket, Nantucket County, Massachusetts, hereinafter called the "Board;" _____ hereinafter called the "Applicant;" and _____ hereinafter called the "Lender" having its usual place of business in _____.

Whereas by a covenant between the Board and the Applicant, dated _____, duly recorded by the Applicant in Nantucket County Registry of Deeds, Book _____, Page _____ **OR** registered in Nantucket Land Registry District as Document No. _____ and noted on Certificate of Title No. _____ in Registration Book _____ Page _____ and running with the land, Lot No. (s) _____ as shown on a plan, Planning Board File No. _____ approved by the Board on _____ (date) and endorsed on _____ (date) and entitled _____, dated _____, and being in Plan Book _____, Page _____ in the Nantucket County Registry of Deeds, or Land Court Plan No. _____ registered in the Nantucket Land Registry District, cannot be built upon or conveyed, other than by mortgage deed, until completion of the construction of ways and the installation of municipal services serving such lots in accordance with said plan and the *Rules and Regulations* of the Board.

Whereas the Applicant, as a security for monetary advances to be made to the Applicant by the Lender, has given a first mortgage dated _____, recorded in Nantucket County Registry of Deeds, Book _____ Page _____, to the Lender covering all of the premises or Lot No. (s) _____ as shown on said plan.

Now, therefore, the parties hereby agree, in accordance with the provision of Chapter 41, Section 81U of the General Laws of the Commonwealth of Massachusetts, as follows:

1. The Board agrees with the Applicant to release, by a separate document to be recorded, Lot(s) _____ as shown on said plan from the operation of said covenant.
2. The Lender agrees with the Board that it tenders an Irrevocable or Standby Letter of Credit Number _____ issued by the bank on _____ in the sum of _____.
3. The Lender further agrees that in the event all of said work is not completed on or before 30 days prior to the expiration date of the Letter of Credit, said sum shall be applied for completion of said work (to the full extent required for such completion) in such manner as the Board shall direct.
4. The Applicant agrees that the construction of said ways and the installation of said municipal services shall be done in accordance with the *Rules and Regulations* of the Board and with the requirements of said plan as approved by the Board.

Executed as a sealed instrument this _____ day of _____, _____(year).

Town of Nantucket Planning Board:

By _____
Chairman

Commonwealth of Massachusetts
Nantucket, SS

Date: _____

Then personally appeared _____ one of the above-named members of the Planning Board of Nantucket, Massachusetts, and acknowledged the foregoing instrument to be his/her free act and deed before me.

Notary Public

Commission Expires: _____

Lender:

By: _____, Title: _____

Commonwealth of Massachusetts
Nantucket, SS

Date: _____

Then personally appeared _____ one of the above-named members of the Planning Board of Nantucket, Massachusetts, and acknowledged the foregoing instrument to be his/her free act and deed before me.

Notary Public

Commission Expires: _____

Applicant:

By: _____

Commonwealth of Massachusetts
Nantucket, SS

Date: _____

Then personally appeared _____ one of the above-named members of the Planning Board of Nantucket, Massachusetts, and acknowledged the foregoing instrument to be his/her free act and deed before me.

Notary Public

Commission Expires: _____

**Form I
Covenant**

Date: _____

KNOW ALL Men by these presents that the undersigned has submitted an application dated _____, to the Nantucket Planning Board for approval of a definitive plan of a subdivision of land entitled _____, designed by _____, dated _____, land located _____, showing _____ lots, and owned by _____, whose address is _____. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of the Planning Board of Nantucket in the county of Nantucket approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of the Town of Nantucket as follows:

1. The undersigned is the owner* in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this contract prior to its execution by the undersigned.

* if there is more than one owner, all must sign. "Applicant" may be an owner or his agent or representative, or his assigns, but the owner of record must sign the covenant.

2. The undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provision as specified in the following:

a. The Definitive Plan as approved by the Board on _____ and endorsed on _____ and given Planning Board File No. _____.

b. The *Subdivision Control Law* and the Planning Board's *Rules and Regulations Governing the Subdivision of Land* which were in effect on _____.

c. The conditions and agreements included in the Planning Board's letter of approval dated _____.

d. Other document(s) specifying construction to be completed, namely:

However, a mortgagee who acquires title to the mortgaged premises by foreclosures or otherwise, and any succeeding owner of the mortgaged premises or part hereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.

3. This covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.

4. Particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released.

5. That nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Planning Board.

6. That the undersigned agrees to record this covenant with the Nantucket County Registry of Deeds, forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.

7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed, as provided in M.G.L. Chapter 41, Section 81-U.

8. That this covenant shall be executed before endorsement of approval of the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.

9. Upon final completion of the construction of ways and installation of municipal services as specified herein, on or before _____ (date when construction and installation is to be completed), the Planning Board shall release this covenant by an appropriate instrument, duly release this covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant, shall result in automatic rescission of the approval of the plan. Upon performance of this covenant with respect to any lot, the Planning Board may release such lot from this covenant by an appropriate instrument duly recorded.

10. Nothing herein shall prohibit the applicant from varying the method of securing the construction of ways and installation of municipal services from time to time or from securing by one, or in part by one and in part by another of the methods described in M.G.L., Chapter 41, Section 81-U, as long as such security is sufficient in the opinion of the Planning Board to secure performance of the construction and installation.

For title to property, see deed from _____ recorded in Nantucket Registry of Deeds, Book _____ Page _____, or registered in Nantucket Land Registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____, Page _____.

The present holder of a mortgage upon the property is _____.
The mortgage is dated _____ and recorded in Nantucket Registry of Deeds, Book _____, Page _____, or registered in the Nantucket Land Registry as Document No. _____, and noted on certificate of title no. _____, in Registration Book _____, Page _____. The mortgagee agrees to hold the mortgage subject to the covenants set forth above and agrees that the covenants shall have the same status, force and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above covenant.

IN WITNESS WHEREOF we have hereunto set out hands and seals this ____ day of _____, _____.

A Majority of Members
Of the Nantucket Planning Board

Commonwealth of Massachusetts

Nantucket, SS

Date: _____

Then personally appeared before me the above named _____ and acknowledged the foregoing instrument to be his/her free act and deed.

Notary Public

My commission expires:

IN WITNESS THEREOF the undersigned, applicant as aforesaid, does hereunto set his/her hand and seal this _____ day of _____, _____.

Applicant's Signature

Address: _____

Owner's Signature

Address: _____

Commonwealth of Massachusetts

Nantucket, SS

Date: _____

Then personally appeared before me the above named _____ and acknowledged the foregoing instrument to be his/her free act and deed.

Notary Public

My commission expires:

Assents of Mortgages

Commonwealth of Massachusetts

Nantucket, SS

Date: _____

Then personally appeared before me the above named _____ and acknowledged the foregoing instrument to be his/her free act and deed.

Notary Public

My commission expires:

Form J
Certificate of Completion and
Release of Municipal Interest in
Subdivision Performance Security

Date: _____

Planning Board File # _____

Subdivision Name: _____

Owner: _____

Owner's Address: _____

Applicant, (if other than owner): _____

Applicant's Address: _____

Date of Subdivision Plan: _____

Land Location: _____

Plan Recorded: Nantucket Registry of Deeds Plan Book _____ Page _____

Plan Registered: Nantucket Land Registry, Land Court Plan Number _____

Type of Performance Security:

- ☐ Covenant dated: _____
Covenant recorded: Nantucket Registry of Deeds, Book _____ Page _____.

or

Covenant registered: Nantucket Land Registry District as Document # _____ and noted on
Certificate of Title # _____ in Registration Book _____ Page _____.

- ☐ Bond, agreement dated: _____
Surety Company: _____
Address of Surety: _____

- ☐ Deposit of money, agreement dated: _____
Bank (if bank passbook): _____
Address of Bank: _____

- ☐ Other Security , agreement dated: _____

- ☐ Letter of credit, agreement dated: _____
Bank: _____
Address of Bank: _____

The undersigned, being a majority of the Planning Board of Nantucket, have determined that the construction of ways and installation of municipal services in the subdivision referred to above have been

- ☐ completed ☐ partially completed by the applicant in accordance with the Board's rules and regulations

to adequately serve the following enumerated lots:

_____ .

Pursuant to Section 81.U of Chapter 41, M.G.L. and in consideration of said construction and installation, the Town of Nantucket, a Massachusetts corporation, acting through its Planning Board, hereby releases its interest in the Performance Security referred to above, as to the lots enumerated in the preceding paragraph only.

Duly executed as a sealed instrument this _____ day of _____ , _____ .
(Date) (Month) (Year)

Signed by a Majority of the Planning Board
of the Town of Nantucket

Commonwealth of Massachusetts
Nantucket, SS

Date: _____

Then personally appeared _____ one of the above-named members of the Planning Board of Nantucket, Massachusetts, and acknowledged the foregoing instrument to be his/her free act and deed before me.

Notary Public

Commission Expires: _____